

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 796 of 2000

in

SPECIAL CIVIL APPLICATION No 8680 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE D.P.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

DIVISIONAL CONTROLLER

Versus

BASHIRMIYA KASAMMIYA SHAH

Appearance:

Ms. Archana Amin for MR YOGESH S LAKHANI for Appellant
Ms. Parul Patel for MR BG JANI for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE D.P.BUCH

Date of decision: 11/12/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Notice. Ms. Parul Patel, learned Advocate waives service of notice on behalf of respondent No.1.

The short question which needs to be examined and adjudicated upon in this Letters Patent Appeal under Clause 15 of the Letters Patent, at the instance of the Gujarat State Road Transport Corporation (For short 'the Corporation'), the original petitioner, challenging the order of the learned Single Judge dated 1.2.2000 whereby, the petition under Article 227 of the Constitution of India came to be rejected summarily against the order of the Labour Court in Reference (LCS) No.346/96 passed on 3.5.1999, under which partially the Reference was allowed and direction was issued to reinstate the respondent-workman without backwages and also stoppage of two increments with future effects.

2. The learned Single Judge has considered why the punishment imposed by the Labour Court, in the facts and circumstances, could not be said to be excessively lenient. The past records were also considered. The length of service and earlier one incident of non-issuance of tickets by the respondent, who has been working as Conductor in the Corporation, has also taken into account. Again, at the time of hearing, our attention was invited to the fact that the respondent workman, who was working as a Conductor, and who was found delinquent by the Corporation, has now been superannuated with effect from 6.2.2000. The backwages of four and half years are withheld. Stoppage of two increments with permanent effect is also directed. On the facts and circumstances, the punishment imposed by the Labour Court and confirmed by the learned Single Judge, could not be said to be vulnerable, requiring our interference in this Letters Patent Appeal. Hence this appeal deserves to be dismissed at the threshold and it is dismissed accordingly. Notice discharged. There shall be no order as to costs.

11.12.2000 [J N Bhatt, J.]

msh

[D P Buch, J.]

